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Report from the Secretary of War, in compliance with a resolution of the Senate, in relation to the payment of claims under the treaty with the Stockbridge and Munsee Indians.

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REPORT

FROM

THE SECRETARY OF WAR,

IN COMPLIANCE WITH

*A resolution of the Senate, in relation to the payment of claims under the treaty with the Stockbridge and Munsee Indians.*

FEBRUARY 20, 1841.

Read, and ordered to be printed.

WAR DEPARTMENT, February 19, 1841.

SIR: In compliance with the resolution of the Senate, dated the 2d inst., calling upon the Secretary of War to inform the Senate "in what cases the payment of undisputed claims, arising under the treaty between the United States and the Stockbridge and Munsee Indians, ratified on the 16th May, 1840, has, on presentment at the Treasury, been suspended or delayed, and the cause or causes of such suspension or delay:" I have the honor to transmit herewith a report of the Commissioner of Indian Affairs, and accompanying documents, furnishing the information required.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. R. M. JOHNSON,  
*President of the Senate.*

WAR DEPARTMENT,  
*Office of Indian Affairs, February 16, 1841.*

SIR: I have the honor to report on a resolution of the 2d instant, "That the Secretary of War be requested to inform the Senate in what cases the payment of undisputed claims arising under the treaty between the United States and the Stockbridge and Munsee Indians, ratified on the 16th of May, 1840, has, on presentment at the Treasury, been suspended or delayed, and the cause or causes of such suspension or delay."

The treaty ceded a township of land, near Lake Winnebago, to the United States, being the half of a tract of land held by said Indians, for which we contracted to pay one dollar per acre, or \$23,040; of which the emigration party should receive \$8,767 75 for their interest in the whole tract, and \$3,879 30 for their improvements—making an aggregate of \$12,647 05. The party who chose to remain east were entitled to \$10,392 95; of which \$6,000 to be invested in public stocks, at an interest of not less than 5

per cent. The whole of the money to be paid in one year from the of the treaty, "or sooner, if practicable." It was further stipulated, "whenever those who are desirous of emigrating shall signify their wish that effect, the United States will defray the expenses of their removal of the Mississippi, and furnish them with subsistence for one year at their arrival at their new homes." And the last article provided, "Where there are certain unliquidated claims and accounts existing between the emigrating party and those who remain where they now are, which it is impossible to liquidate and adjust: it is hereby agreed, that the same shall be submitted to the agent of the United States who shall be appointed to make the payments under this treaty, and that his decision shall be final thereon. Attached to the treaty is a schedule of the heads of families belonging to the emigrating party, with sums opposite to their names respectively, being proportions in which the said sum of \$12,647 05 shall be paid to the emigrants. Opposite to the name of Thomas T. Hendrick is the sum of \$1,193 50, and against that of Robert Kankapot \$1,429 50; below which, (these being the two highest,) the sums fall as low as \$44 50, which is the smallest amount allotted.

The treaty is dated September 3, 1839, and was ratified on the 16th May, 1840. To carry it into effect, an appropriation was made by Congress, on the 20th July last, embracing the amount that was estimated to be necessary for meeting the expenses of their self-emigration, which had then taken place, and to furnish them with subsistence for twelve months, was made.

The emigrating party, soon after the treaty was made, (viz: in November, 1839,) and long before it was ratified, set off of their own accord, and removed west; without any action, of course, by the department, other than was forced on it, the superintendent, and agents, by this erratic movement. This removal placed it out of the power of the office to ascertain their indebtedness to each other, in the way pointed out by the treaty; but measures have been taken to effect it, in the only mode left: that is, through the agents near their present respective residences. A report has been received from Governor Dodge, containing the claim of the residents east against the emigrants, among which they allege that Thomas T. Hendrick owes them \$504, and Robert Kankapot \$90, besides their proportion of band debts. A copy of this paper has been sent to the proper agent, that it may be laid before the emigrants for their approbation or objections. The emigrants have themselves forwarded claims, informally, which are, with few exceptions, stated to be in favor of Thomas T. Hendrick, and overrun largely the claims said by the other party to be due from him. Neither side of these opposing accounts is supported by proof, which must be obtained, if it is to be had, before there can be any satisfactory decision. If they shall fail to forward it, and these claims were national, or band, as the respective aggregates do not differ materially, substantial justice would be done, or at least closely approached, by disregarding them both. This would admit of no doubt, I think; but many of the claims are individual demands, which will interpose an insuperable obstacle to any course but one. Whatever may be judged to be best, must be done, when they have supported their several pretensions as far as they can. It is a matter of regret, that the emigrating party moved off before the prescribed means of ascertaining the indebtedness of each party to the other could be resorted to.

Two drafts, signed respectively by Robert Kankapot and Thomas T. Hendrick, for \$675 each, payable out of moneys which may be due them

under the treaty, were forwarded to this office; in respect of which, a letter was addressed to Messrs. Mead, Kellogg, & Co., on the 12th of October, 1839, of which a copy (marked A) is transmitted herewith. These drafts were again presented to the department, by letter of the Hon. A. S. Porter, of the Senate of the United States, on the 10th of December last, who, on the 22d of the same month, addressed this office on the same subject, and was answered on the 26th: of which papers I send copies, (marked B, C, D.) Another communication was received from the same gentleman, on the 29th of December last, asking—"Are these papers in proper form to entitle Messrs. Mead, Kellogg, & Co. to call on the proper officer of the Government for payment of the sums for which they are respectively drawn?" To which a reply was returned on the 2d of January, stating that they were considered to be so. Copies of both are sent, (marked E and F.) The day the treaty is dated, a draft was made by the chiefs of the emigrating party to John W. Newcom, one of their own people, for two hundred dollars, to be deducted, *pro rata*, from the sums payable to them by the treaty.

The foregoing are all the claims known here, to which it is supposed the resolution can refer. Whether they can be regarded as arising under the treaty, might be questioned; though they certainly are claims against individuals entitled by the treaty, by which it is "expressly understood that the moneys payable to the emigrating party shall be distributed among the heads of families, according to the schedule hereunto annexed." But that question is not made, nor is the idea of making it entertained, though the claims are no farther "undisputed" than the foregoing correspondence shows. Nor can they be regarded as either suspended or delayed, beyond the necessity of ascertaining the indebtedness of the respective parties, either as a body or individually, to each other, if it be practicable to ascertain it, according to the treaty provision. The effort at effecting this, is the reason for not paying these drafts now. I did wish that the unappropriated fund of these emigrants should be allowed by them to be applied to the purchase of land west, for their residence, as they have none. But this they declined; and it would not be a reason, however desirable the object, for not applying the money to the payment of Messrs. Mead, Kellogg, & Co., any more than the hardship which these Indians allege there is in their paying the said drafts out of their own means.

The expenses of their emigration, generally presented in the most irregular form, have been referred to the superintendent at St. Louis to adjust.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,  
*Secretary of War.*

A.

WAR DEPARTMENT,  
*Office Indian Affairs, October 12, 1839.*

GENTLEMEN: I have received from the Hon. Albert Gallup, late commissioner to negotiate with the Stockbridge Indians, two drafts in your favor, for \$675 each—one signed by Robert Kankapot, and the other by Thomas

T. Hendrick, and payable out of moneys which may be due to them under the treaty lately concluded by Mr. Gallup, should it be ratified by the President and Senate. No action, of course, can be had upon them until it takes place, and they are therefore returned.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Messrs. MEAD, KELLOGG, & Co.,  
Detroit, Michigan.

B.

WASHINGTON, *December 10, 1840.*

SIR: I enclose two drafts for \$675 each, drawn by Robert Kankapot and Thomas T. Hendrick; the payment of which, as you will observe by the endorsements, I am authorized to receive. I send, also, Messrs. Mead, Kellogg, & Co's. letter covering them. Be pleased to inform me, at early convenience, whether or not they will now be paid, that I may know when to call and make the endorsements. I have in my possession duplicates of the drafts, which I will dispose of as may be the practice in like cases. Please to return to me the letter of Messrs. Mead, Kellogg, & Co.

Your obedient servant,

A. S. PORTER

Hon. T. H. CRAWFORD.

C.

WASHINGTON, *December 22, 1840.*

SIR: On the 10th instant I addressed you relative to a claim in favor of Mead, Kellogg, & Co., under the treaty with the Stockbridges and Munsees ratified at the last session of Congress.

Not having been favored with a reply, I beg leave again to respectfully ask your attention to the subject.

Your obedient servant,

A. S. PORTER.

Hon. T. H. CRAWFORD.

D.

WAR DEPARTMENT,

*Office Indian Affairs, December 26, 1840.*

SIR: I have had the honor to receive your letters of the 10th and 22d instant: the former enclosing a letter from Messrs. Mead, Kellogg, & Co., with the drafts of Robert Kankapot and Thomas T. Hendrick, for claims under the Stockbridge and Munsee treaty, as contained in the schedule to the treaty.

It is not deemed advisable to make any of the payments under this treaty,



here ; but arrangements will shortly be made, and the money remitted to an agent, with instructions to make all the payments, of which the parties will be duly advised in time to enable them to appear before the agent, either in person or by assignment of their claims.

The papers enclosed by you, are herewith returned.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. A. S. PORTER,  
*Senate United States.*

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E.

WASHINGTON, *December 29, 1840.*

SIR : I again transmit to you the drafts of R. T. Kankapot and T. T. Hendrick, for the purpose of the following inquiry :

Are these papers in proper form to entitle Messrs. Mead, Kellogg, & Co. to call on the proper officer of the Government for payment of the sums for which they are respectively drawn ?

I make the inquiry, that Messrs. Mead, Kellogg, & Co. may be prepared to meet any objections of this kind which may be interposed by the local agent of Indian affairs, on presentation of the claims, agreeably to your suggestion in your letter to me of the 26th instant. With your answer, (which I hope will be an early one,) please to return to me the drafts.

Very respectfully, yours, &c.,

A. S. PORTER.

Hon. T. H. CRAWFORD.

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F.

WAR DEPARTMENT,  
*Office Indian Affairs, January 2, 1841.*

SIR : I have the honor to state, in reply to the inquiry made in your letter of 29th ultimo, that the drafts of Robert Kankapot and T. T. Hendrick, for their claims under the Stockbridge and Munsee treaty, are considered sufficient authority for the agent who may be appointed for the purpose to make the payment to Messrs. Mead, Kellogg, & Co. The drafts are herewith returned.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. A. S. PORTER,  
*Senate United States.*